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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/595,539

10/16/2006

John F. Ryan

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EXAMINER

TUROCZY, DAVID P

ART UNIT

PAPER NUMBER

1792

MAIL DATE

DELIVERY MODE

03/16/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/595,539	Applicant(s) RYAN ET AL.	
	Examiner DAVID TUROCY	Art Unit 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/27/06 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/2/06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 4,254,168 by Monson in view of US Patent 4,721,642 by Yoshimi et al. and further in view of US Patent 5,186,978 by Woodhall et al.

Monson teaches a chip resistant polyurethane protective coating for automobiles, which requires application to only part of the vehicle and comprises applying a mixture of aliphatic polyisocyanate and a polyester with specific dry film thicknesses and varying ratios (Column 4, lines 16-57, Column 5, lines 1-9, Examples). Monson discloses applying a clear polyurethane coating (Column 4, lines 16-18). Monson discloses adding a catalyst to cure the polyurethane, where the addition of a catalyst requires using the mixture within 2 to 8 hours (Column 4, lines 58-64). Monson discloses spraying with conventional equipment as may be found for example in automobile body repair shops, paint shops, and the like, which includes gravity feed, etc.

Monson discloses curing the coating, however, Monson fails to teach of curing the coating using air-drying or a heat lamp. However, Yoshimi et al., teaching of

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applying a polyurethane coating comprising polyisocyanate and polyol, discloses such a coating can be dried by using a far-infrared heat lamp or by air drying (Column 3, lines 36-39). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to cure the coating of Monson using the curing techniques as disclosed by Yoshimi et al because Monson teaches of curing a mixture of polyester and polyisocyanate and Yoshimi et al discloses using a heat lamp or air-drying are known techniques of curing a polyisocyanate and polyester coating.

Monson in view of Yoshimi fails to teach of masking off the parts of the vehicle that are not to be coated, spraying the coating, and then unmasking the vehicle. Woodhall et al. teaches of applying a masking material to vehicles during a coating process to protect parts of the vehicle from the spray material, spraying a solution onto the vehicle and then removing the masking material (abstract). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to mask off the vehicle prior to spray coating as disclosed by Woodhall et al. because Monson in view of Yoshimi et al discloses spraying a coating onto a vehicle and Woodhall discloses it is advantageous to mask off portions of the vehicle during a spray coating process.

Monson in view of Yoshimi and Woodhall fails to disclose the exact thickness or combining the polyester and a polyisocyanate in a four-to-one ratio as claimed. However, it is the examiners position that it is within the skill of one of ordinary skill in the art at the time of the invention to determine the specific thickness relative to an OEM

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coating and specific ratio for the combination of polyester and polyisocyanate to provide the desired coating properties. It is the examiners position that both process parameters are known result effective variable. Both directly effect the coating properties. Therefore it would have been obvious to one skill in the art at the time of the invention was made to determine the optimal value for the variables used in the process of, through routine experimentation, to deposit the protection paint for vehicles from being chipped, scratched, or corroded, all known problems associated with vehicles.

3. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 4,254,168 by Monson in view of US Patent 4,721,642 by Yoshimi et al. and US Patent 5,186,978 by Woodhall et al. and further in view of US Patent 4,735,985 by Oien.

Monson in view of Yoshimi and Woodhall fail to explicitly state of applying the protective coating onto the vehicles OEM finish. However, Oien teaching of a comparable chip resistant polyurethane coating, discloses applying the clear coating on top of the vehicle OEM finish (Column 2, lines 43-57).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the polyurethane coating onto the vehicles OEM finish as taught by Oien because Monson in view of Yoshimi and Woodhall teach of applying a polyurethane chip resistant coating to vehicles and Oien discloses such polyurethane chip resistant coatings are known to be applied to the vehicle OEM finish.

4. Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 4,254,168 by Monson.

Monson teaches a chip resistant polyurethane protective coating for automobiles, which requires application to only part of the vehicle and comprises applying a mixture of polyisocyanate and polyol with specific dry film thicknesses and varying ratios (Column 4, lines 16-57, Column 5, lines 3-9, Examples). Monson fails to disclose combining the polyester and a polyisocyanate in a four-to-one ratio. However, it is the examiners position that it is within the skill of one of ordinary skill in the art at the time of the invention to determine the specific ratio for the combination of polyester and polyisocyanate to provide the desired coating properties.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID TUROCY whose telephone number is (571)272-2940. The examiner can normally be reached on Monday-Friday 8:30-6:00, No 2nd Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David Turocy/
Examiner, Art Unit 1792